



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,750	03/05/2002	Louis B. Rosenberg	IMMR-014/02US	8227

22903 7590 01/23/2006

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE- RESTON TOWN CENTER
RESTON, VA 20190-5061

EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
----------	--------------

2674

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/091,750

Applicant(s)

ROSENBERG, LOUIS B.

Examiner

Kevin M. Nguyen

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 38-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 38-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/14/2005 has been entered. An action on the RCE follows:
2. This office action is made in response to applicant's amendment/argument filed on 11/14/2005. Claims 1-37 are cancelled, and claims 38, 49 and 55. Thus, claims 38-58 are currently pending in the application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 38, 43-46, 48 and 55-58 are rejected under 35 U.S.C. 102(b) as being anticipated by Padula et al (US Re. 34,095) hereinafter Padula.
5. As to claim 38, Padula discloses an apparatus (digitizer stylus with pressure transducer, see the Title), comprising:

a stylus configured to be manipulated against a surface and configured to be held in a hand of user [Padula conventionally discloses styluses are generally hand-held devices which press against the digitizer tablet surface with a point similar to that on a conventional ball-point pen, see col. 1, lines 36-38];

a sensor [touch-sensitive screen] configured to send sensor signals to a host computer [a processing circuit 104, see Fig. 14] based on a coordinate position [x and y coordinates, see claim 21, line 48] of the stylus against the surface [a digitizer tablet 111, see Fig. 14, col. 1, lines 28-35, col. 8, lines 1-7, and lines 48-52];

an actuator [a force sensing resistant FSR transducer 26, see Fig. 6] disposed within the stylus [a stylus 1, see Fig. 14] and configured to apply a haptic feedback (a tactile feedback, see col. 9, lines 25-30) from the stylus against the surface [the digitizer tablet 111, see Fig. 14].

6. As to claim 43, Padula conventionally discloses the induction coil, see col. 1, lines 65-68.

7. As to claims 44 and 45, Padula conventionally discloses the ball-pen applying resistance the tablet surface, see col. 1, lines 36-38.

8. As to claim 46, Padula conventionally discloses the induction coil such as a solenoid, see col. 1, lines 65-68.

9. As to claim 48, Padula conventionally discloses the sensor is disposed within the surface, see col. 1, lines 28-35.

10. Claim 55 shares the same limitations as those of claim 38 and therefore the rationale for rejection will be the same.

Art Unit: 2674

11. As to claim 56, Padula conventionally discloses styluses are generally hand-held device, see col. 1, lines 36-37.

12. As to claim 57, Padula conventionally discloses the ball-pen/tip applying resistance the tablet surface, see col. 1, lines 36-38.

13. As to claim 58, Padula discloses at least of force sensations such as the tactile feedback.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claim 39-41, 47 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padula in view of Taniishi et al (previously cited, US 5,177,472) hereafter Taniishi.

As to claim 39, Padula discloses all of the claimed limitation, except wherein the actuator is configured to modify the length of the stylus.

However, Taniishi teaches a vibrating input pen 3 which includes the electrode springs 36 and 37, see Fig. 1A, col. 7, line 35 and line 56.

As to claims 40 and 41, Taniishi conventionally discloses the power, see col. 2, line 20. It is obvious to provide the battery disposed within the stylus.

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to implement the actuator corresponding to the electrode springs 36 and 37 into the stylus of Padula in order to achieve the benefit of intend to modify the length of the stylus, because this would provide the direction of vibration coincides with the axis of the horn member (see Taniishi, col. 2, lines 54-56).

16. As to claim 42, the combination of Padula and Taniishi discloses force sensations such as the tactile feedback, and vibration.

17. As to claim 47, Taniishi teaches wherein the actuator is configured to vibrate [the vibrator 4, see Fig. 1A, col. 4, lines 15-17].

18. As to claim 49, Taniishi teaches an apparatus comprising:

a stylus (a pen 3, see Fig. 2);

a sensor [touch-sensitive coordinate 18, and vibration sensor 6, see Fig. 2] in communication with a host computer [control circuits 1, 2, 9, 10, see Fig. 1, and microcomputer 11, see Fig. 3, col. 4, lines 51-58] , the sensor configured to detect a coordinate position [x and y coordinates] of the stylus against a surface [see col. 4, lines 20-24];

an actuator coupled to the stylus, the actuator configured to vibrate [a vibrator 4, see Fig. 1A, col. 4, lines 15-19].

19. As to claims 50, 51 and 53, Padula conventionally discloses the ball-pen/tip applying resistance the tablet surface, see col. 1, lines 36-38.

20. As to claim 52, Padula conventionally discloses styluses are generally hand-held device, see col. 1, lines 36-37.

21. As to claim 54, Padula conventionally discloses the induction coil such as a solenoid, see col. 1, lines 65-68.

Response to Arguments

22. Applicant's arguments with respect to claims 38-58 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick N. Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the

Application/Control Number: 10/091,750


Page 7

Art Unit: 2674

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197
(toll-free).

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KMN
January 17, 2006



PATRICK N. EDOUARD
SUPERVISORY PATENT EXAMINER